

No. 379

**BELGIUM
and
NETHERLANDS**

Exchange of Letters constituting an agreement for the settlement of clearing transactions pending between the two countries. The Hague, 13 September and 11 October 1948

French official text communicated by the Permanent Representative of Belgium to the United Nations. The registration took place on 7 March 1949.

**BELGIQUE
et
PAYS-BAS**

Echange de lettres constituant un accord pour régler la question de la liquidation des opérations de clearing restées en suspens entre les deux pays. La Haye, 13 septembre et 11 octobre 1948

Texte officiel français communiqué par le représentant permanent de la Belgique auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 7 mars 1949.

TRANSLATION — TRADUCTION

No. 379. EXCHANGE OF LETTERS¹ BETWEEN THE GOVERNMENTS OF BELGIUM AND OF THE NETHERLANDS CONSTITUTING AN AGREEMENT FOR THE SETTLEMENT OF CLEARING TRANSACTIONS PENDING BETWEEN THE TWO COUNTRIES. THE HAGUE, 13 SEPTEMBER AND 11 OCTOBER 1948

I

BELGIAN EMBASSY

No. 111C/4119

The Hague, 13 September 1948

Your Excellency,

During the financial conversations which took place in Brussels on 27 and 28 May 1948, the delegates of the Belgian and Netherlands Governments considered the liquidation of clearing operations still pending between the two countries.

The two delegations agreed to recommend to their respective Governments the procedure contained in the annexed memorandum.

I have the honour to inform Your Excellency that the Belgian Government is prepared to apply the provisions agreed upon in that memorandum.

I have the honour, etc.

(Signed) L. C. NEMRY

His Excellency M. D. U. Stikker
Minister of Foreign Affairs of the Netherlands
The Hague

¹ Came into force on 11 October 1948, by the exchange of the said letters.

II

MINISTRY OF FOREIGN AFFAIRS
DIRECTORATE OF ECONOMIC AFFAIRS

No. 104741

The Hague, 11 October 1948

Your Excellency,

In your letter of 13 September 1948 Your Excellency was kind enough to inform me of the following:

[See note I]

I have the honour to inform Your Excellency that the Netherlands Government is also prepared to apply the provisions agreed upon in the said memorandum, a copy of which is enclosed.

I have the honour to be, etc.

(Signed) STIKKER

His Excellency M. L. C. Nemry
Belgian Ambassador
The Hague

MEMORANDUM

ON THE LIQUIDATION OF CLEARING OPERATIONS STILL PENDING BETWEEN BELGIUM
AND THE NETHERLANDS

1. All payment orders, including those relating to documentary credits, which have been credited to the Banque d'Emission or the Nederlandsche Clearinginstituut with the Deutsche Verrechnungskasse shall be executed, except those in respect of which the customary evidence of title has not been presented.

In determining whether the amount of a payment order has been credited with the Deutsche Verrechnungskasse, reference may be made to the confirmation by the Deutsche Verrechnungskasse that the amount has been duly debited.

2. An amount paid in for transfer to the Banque d'Emission or the Nederlandsche Clearinginstituut shall be repaid to the payer if no corresponding payment order has been recorded by the Deutsche Verrechnungskasse.

3. Payment orders within the categories referred to in paragraphe 1 above which have become inoperative, or in respect of which the customary evidence of title cannot be presented, shall be cancelled, and the institution which has actually received the funds shall repay the amount of such orders to the payer and shall be liable therefor.

4. When a payment order recorded by the Deutsche Verrechnungskasse has not been duly executed and the payer has subsequently made a second payment under the Belgian-Netherlands Monetary Convention of 21 October 1943,¹ the first order shall, if evidence of title was presented at the time of issue, be liquidated and the second payment retransferred under the said Monetary Convention.

5. The Banque d'Emission and the Nederlandsche Clearinginstituut shall agree upon the necessary technical arrangements for carrying out the liquidation in accordance with the provisions of this agreement. For this purpose they shall exchange detailed lists of all payment orders and credit advices pending on either side.

6. The present recommendations will be put into effect upon their approval by the Belgian and Netherlands Governments.

If, however, one of the Governments is not empowered without prior legislative authorization to give effect to any of these recommendations, that Government may defer the application thereof until it has obtained the necessary powers.

¹ United Nations, *Treaty Series*, Volume 2, page 281.